



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,728	09/12/2003	Herbert Jaineck	037141.52695US	4919

23911 7590 12/07/2005
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

KURTZ, BENJAMIN M

ART UNIT	PAPER NUMBER
----------	--------------

1723

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,728

Applicant(s)

JAINEK ET AL.

Examiner

Benjamin Kurtz

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Fed. Rep. Of Germany on 14 September 2002. It is noted, however, that applicant has not filed a certified copy of the 10242872.7 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniel (6284130). Referring to claim 1, Daniel (130) discloses: a valve (60) having a valve body (100) (figure 6, column 4, lines 8-9), the valve (60) in a valve housing (41) (figure 6), the valve (60) being displaceable between an open and closed position (column 4, lines 8-15), and an elastically deformable clamping collar (43) (figure 6, column 3, lines 45-48) that protrudes radially relative to an outer housing wall (42) (figure 6) and a tangent applied to the outer rim (43) forms an angle of less than 90 degrees with the longitudinal valve axis (figure 6).
3. Referring to claim 2, Daniel (130) discloses a valve (60) that is a liquid filter valve (column 1, lines 58-62).

Art Unit: 1723

4. Referring to claim 3, Daniel (130) discloses the clamping collar (43) is convex (figure 6), the portion extending around structure (44) is convex.
5. Referring to claim 4, Daniel (130) discloses the clamping collar (43) is conical (figure 6), the straight portion (43) forms a conical structure.
6. Referring to claim 5, Daniel (130) discloses the clamping collar (43) disposed in the area of an axial end face of the valve housing (41) (figure 6).
7. Referring to claim 6, Daniel (130) discloses a circumferential, radially protruding shoulder disposed on the outer wall of the valve housing (42) parallel to the clamping collar (43) (figure 6), the shoulder being the portion extending radially outward from the housing wall (42) between the housing wall (42) and the collar (43).
8. Referring to claim 7, Daniel (130) discloses a circumferential groove formed axially between the clamping collar portion (43) and the shoulder (figure 6) and a gasket (31) inserted into the groove (figure 1,2,6), the groove being above portion (43) where the housing extends axially at a 90 degree angle to the longitudinal axis in the region of (44).
9. Referring to claim 8, Daniel (130) discloses the clamping collar (43) has a larger diameter than the shoulder (figure 6).
10. Referring to claim 10, Daniel (130) discloses the clamping collar has a radially protruding stamping burr along the outer rim (43) (figure 6).

Claim Rejections - 35 USC § 103

Art Unit: 1723

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel (130) in view of Hultgren (3473664). Daniel (130) discloses a valve according to claim 1, but does not disclose the valve housing or collar being made of metal. Hultgren (664) discloses a metal valve housing (54) and a metal collar (88) (claim 1 lines 16-17). It would have been obvious to one skilled in the art to modify the valve as taught by Daniel (130) with the valve housing as taught by Hultgren (664). A metal housing provides a stiff support structure that can also elastically deform.

Conclusion


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1723

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bk


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700